

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

In re: : BANKRUPTCY CASE
:
JOHN R. & ALANA W. MCCOY : NO: 16-70009 jtl
:
Debtor(s) : CHAPTER 13
:

NOTICE OF MOTION TO MODIFY CHAPTER 13 PLAN BEFORE CONFIRMATION


JOHN R. & ALANA W. MCCOY, DEBTOR(S) IN THE ABOVE-STYLED BANKRUPTCY MATTER, HAVE FILED PAPERS WITH THE COURT TO MODIFY THEIR CHAPTER 13 PLAN.

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

THE ORIGINAL CONFIRMATION HEARING WAS SCHEDULED FOR **TUESDAY, APRIL 12, 2016**. HOWEVER, IF YOU DO NOT WANT THE COURT TO APPROVE THE PROPOSED MODIFICATION, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE MOTION FOR MODIFICATION OF PLAN BEFORE CONFIRMATION, THEN YOU OR YOUR ATTORNEY MUST FILE WITH THE COURT A WRITTEN OBJECTION ON OR BEFORE THE FIFTH BUSINESS DAY PRIOR TO THE HEARING RESCHEDULED FOR **TUESDAY, MAY 10, 2016, AT THE 12:00 P.M. AT U. S. COURTROOM, U. S. COURTHOUSE AND POST OFFICE BUILDING, 401 N. PATTERSON STREET, VALDOSTA, GEORGIA.** YOU MUST SERVE A COPY OF SAID OBJECTION TO THE DEBTORS' ATTORNEY, F. ANTHONY BLAKEY, KELLEY, LOVETT, & BLAKEY, 2539 LAFAYETTE PLAZA, P.O. BOX 70879, ALBANY, GEORGIA 31708 AND THE **UNITED STATES BANKRUPTCY COURT, AT P.O. BOX 2147, COLUMBUS, GEORGIA 31902.**

IF YOU OR YOUR ATTORNEY DO NOT TAKE THESE STEPS, THE COURT MAY DECIDE THAT YOU DO NOT OPPOSE THE RELIEF SOUGHT IN THE MOTION/OBJECTION AND MAY ENTER AN ORDER GRANTING THAT RELIEF.

This 6th day of April 2016.



F. ANTHONY BLAKEY,
Attorney for Debtor(s)
P.O. Box 70879
Albany, GA 31708
(229) 888-9128
State Bar No. 061817
cstrassenberg@kelleylovett.com

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

In re:	:	BANKRUPTCY CASE
	:	
JOHN R. & ALANA W. MCCOY	:	NO: 16-70009 jtl
	:	
	:	CHAPTER 13
Debtor(s)	:	

MOTION FOR MODIFICATION OF PLAN BEFORE CONFIRMATION

The debtor(s) under the authority of Section 1323 of the Bankruptcy Code, files this Motion for Modification of Plan and respectfully shows:

-1-

Debtor(s) withdraw(s) their Chapter 13 plan previously filed and substitutes a new plan to include pre-petition arrears payment to Chase Mortgage and Vanderbilt Mortgage. The modified plan proposes to pay \$1,015.00 per month. A copy of the proposed plan is attached hereto, and the debtor(s) propose(s) to modify their plan as shown.

-2-

After notice and opportunity for objections, the plan as modified should become the debtors' plan.

WHEREFORE, the debtors' pray(s) that their Motion for Modification of Plan be approved.

This 6th day of April 2016.

/s/ F. Anthony Blakey
F. ANTHONY BLAKEY,
Attorney for Debtor(s)
P.O. Box 70879
Albany, GA 31708
(229) 888-9128
State Bar No. 061817
cstrassenberg@kelleylovett.com

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA

In re: : BANKRUPTCY CASE
:
JOHN RICHMOND McCOY & ALANA WILSON McCOY : NO. 16-70009
:
Debtor(s) : CHAPTER 13 PROCEEDING

MODIFIED CHAPTER 13 PLAN BEFORE CONFIRMATION

1. The future earnings of the debtor(s) are submitted to the supervision and control of the Trustee and the debtor(s) (or the debtor's(s') employer) shall pay to the Trustee the sum of \$ 1,015.00 monthly.
2. From the payments so received, the Trustee shall make disbursements as follows:
 - (a) The Trustee percentage fee as set by the United States Trustee.
 - (b) The monthly payments will be made on the following long-term debts: (Payments which become due after the filing of the petition but before the month of the first payment designated here will be added to the pre-petition arrearage claim).

NAME OF CREDITOR	MONTH OF FIRST PAYMENT UNDER THE PLAN	MONTHLY PAYMENT AMOUNT

- (c) Preconfirmation adequate protection payments will be made to the following secured creditors and holders of executory contracts after the filing of a proof of claim by the creditor. These payments will be applied to reduce the principal of the claim.

NAME OF CREDITOR	ADEQUATE PROTECTION AMOUNT
Freedom Road Financial	\$ 100
Ally Financial	\$ 100

- (d) The following claims are not subject to cram down because debts are secured by a purchase money security interest in a vehicle for which the debt was incurred within 910 days of filing the bankruptcy petition, or, if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing. See § 1325(a).

NAME OF CREDITOR	AMOUNT DUE	INTEREST RATE	COLLATERAL	MONTHLY PAYMENT
Freedom Road Financial	\$ 9,926	5%	2014 Triumph Tiger motorcycle	\$ 300
				\$ 300

- (e) After confirmation of the plan, the secured creditors with allowed claims will be paid as follows:

NAME OF CREDITOR	AMOUNT DUE	VALUE	INTEREST RATE	COLLATERAL	MONTHLY PAYMENT AMOUNT
Ally Financial	\$ 15,566	\$ 13,900	5%	2012 Jeep Patriot	\$ 430.00
Yamaha / Synchrony	4,523	Debt	5%	classify	125.00
Chase	1481	N/A	0%	Estimated arrears	25.00
Vanderbilt	1636	N/A	0%	Arrears	30.00
					\$ 610

(f) *Attorney fees ordered pursuant to 11 U.S.C. § 507(a)(2) of \$ **2,940.00** to be paid as follows: Pursuant to Current Administrative Order on attorney Fee Awards.

(g) After the above are paid, distribution will be made to cure arrearages and other secured debts whose claims are duly proven and allowed as follows:

NAME OF CREDITOR	AMOUNT DUE	ESTIMATED VALUE	INTEREST RATE	COLLATERAL

(h) The following collateral is surrendered to the creditor:

NAME OF CREDITOR	DESCRIPTION OF COLLATERAL

(i) The following domestic support obligations will be paid over the life of the plan as follows: (These payments will be made simultaneously with payment of the secured debt to the extent funds are available and will include interest at the rate of ____%. (If this is left blank, no interest will be paid.)

NAME OF CREDITOR	PAYMENT AMOUNT

(j) The following unsecured claims are classified to be paid at 100%. These payments will/will not be made simultaneously with payment of the secured debt:

(k) All other 11 U.S.C. § 507 priority claims, unless already listed under 2(g), will be paid in full over the life of the plan as funds become available in the order specified by law.

(l) The debtor(s) will be the disbursing agent on the following debts:

1. Chase Mortgage – direct payments on mortgage.
2. Vanderbilt – to be paid by Lance Arnett.
3. Colquitt Teachers FCU – direct payment on 2004 Toyota 4-runner.
4. Michael Sharon MD – continuing payments to primary physician.

(m) Special provisions:

- (1) Within thirty (30) days of completion of payments of the secured debt to **Freedom Road and Ally Financial** shall surrender the title to the vehicle to the debtor with their lien satisfied.
- (2) Debtor(s) request(s) **to have payroll deduction sent to debtor spouse's employer.**
- (3) The holder of a type of claim governed by Code Section 1322(b)(5) or (b)(7) shall serve the Trustee, the debtor, and the debtor's counsel with a statement of any increase or decrease of periodic payments prior to the effective date of the adjustment of the payment amounts.
- (4) Upon discharge, all non-purchase money, non-possessory liens and/or judicial/consensual liens in any and all property of the bankruptcy estate will be avoided pursuant to 11 USC §522(f), and upon notice of discharge, the creditors shall cancel said lien(s) of record within fifteen (15) days of such notice. This provision shall apply to all creditors, including:

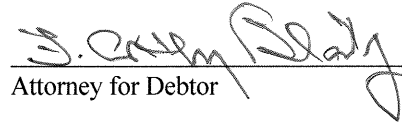
(5) \$ **105.00** will be assigned to costs and unclassified unsecured creditors. The term of the plan is 5 years and 0 months.

(n) Debtor(s) will make payments that will meet all of the following parameters (these are not cumulative, debtors will pay the highest of the three):

- (i) Debtor will pay all of his disposable income as shown on Form B22C of \$ **840.16** to the non-priority unsecured creditors in order to be eligible for a discharge.

- (ii) If the debtor filed a Chapter 7 case, the priority and other unsecured creditors would receive \$ _____. Debtor will pay this amount to the priority and other unsecured creditors in order to be eligible for discharge in this case.
- (iii) The debtor will pay \$ _____ to the general unsecured creditors to be distributed prorata.
- (o) General unsecured creditors whose claims are duly proven and allowed will be paid:
 - 100%** dividend as long as this dividend exceeds the highest amount, if any, shown in paragraph (n)(i), (n)(ii) or (n)(iii), and the debtor pays in at least 36 monthly payments to be eligible for discharge.
- (p) Unless otherwise ordered by the court, all property of the estate, whether in the possession of the trustee or the debtor, remains property of the estate subject to the court's jurisdiction, notwithstanding § 1327(b), except as otherwise provided in paragraph (m) above. Property of the estate not paid to the Trustee shall remain in the possession of the debtor. All property in the possession and control of the debtor shall be insured by the debtor. The Chapter 13 Trustee will not and is not required to insure assets and has not liability for injury to any person, damage or loss to any property in possession and control of the debtor or other property affected by property in possession and control of the debtor.
- (q) Notwithstanding the proposed treatment or classification of any claim in the plan confirmed in this case, all lien avoidance actions or litigation involving the validity of liens, or preference action will be reserved and can be pursued after confirmation of the plan. Successful lien avoidance or preference actions will be grounds for modification of the plan.

04/05/2016
Date


Attorney for Debtor

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

In re: : BANKRUPTCY CASE
:
JOHN R. & ALANA W. MCCOY : NO: 16-70009 jtl
:
: CHAPTER 13
Debtor(s) :

CERTIFICATION OF SERVICE

I certify that I have furnished a true copy of the within and foregoing *Motion and Notice of Filing of Motion for Modification of Plan and Notice of Scheduled Confirmation Hearing* to the Chapter 13 Trustee, Kristin Hurst, P.O. Box 1907, Columbus, Georgia 31902, and to the other parties named in Exhibit "A" attached hereto by depositing the same in the United States Mail, in properly addressed envelopes with sufficient postage thereto affixed to ensure delivery, this 6th day of April, 2016.


F. ANTHONY BLAKEY

Label Matrix for local noticing
113G-7
Case 16-70009
Middle District of Georgia
Valdosta
Tue Apr 5 09:42:02 EDT 2016

#Georgia Dept. of Revenue
Compliance Division
ARCS-Bankruptcy
1800 Century Blvd., NE, Suite 9100
Atlanta, GA 30345-3205

Belk / Synchrony Bank
Attn: Bankruptcy Dept.
P. O. Box 965060
Orlando, FL 32896-5060

Chase Home Mortgage
Attn: Bankruptcy Dept.
P. O. Box 24696
Columbus, OH 43224-0696

Colquitt Regional Medical Center
P. O. Box 40
Moultrie, GA 31776-0040

CornerStone Education Loan Services on behal
PO Box 145123
Salt Lake City, UT 84114-5123

Freedom Road Financial
Attn: Bankruptcy Dept.
P. O. Box 18218
Reno, NV 89511-0218

Internal Revenue Service
PO Box 7346
Philadelphia, PA 19101-7346

Midland Funding LLC
PO Box 2011
Warren, MI 48090-2011

U. S. Securities and Exchange Commission
Atlanta Regional Office
Reorganization Branch
950 East Paces Ferry Rd NE., Ste. 900
Atlanta, GA 30326-1382

JPMorgan Chase Bank, National Association
c/o McCalla Raymer, LLC
Bankruptcy Department
1544 Old Alabama Road
Roswell, GA 30076-2102

Ally Bank
PO Box 130424
Roseville MN 55113-0004

(p)CAPITAL ONE
PO BOX 30285
SALT LAKE CITY UT 84130-0285

Chase Manhattan Mortgage
Attn: Bankruptcy Dept.
3415 Vision Drive
Columbus, OH 43219-6009

Colquitt Regional Medical Ctr.
c/o Pmab Srvs.
435 South Stream Blvd.
4th Floor
Charlotte, NC 28217

Cornerstone / Dept. of Education
P. O. Box 61047
Harrisburg, PA 17106-1047

FreedomRoad Financial c/o Capital Recovery G
PO Box 64090
Tucson, AZ 85728-4090

Kimberly Moody
811 E. 18th Ave.
Cordele, GA 31015-1743

One Main Financial
Attn: Bankruptcy Real Estate
P. O. Box 140489
Irving, TX 75014-0489

U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

7
901 Front Avenue
P.O. Box 2147
Columbus, GA 31902-2147

Ally Financial
Attn: Bankruptcy Dept.
P. O. Box 380902
Minneapolis, MN 55438-0902

Capital One Bank (USA), N.A.
PO Box 71083
Charlotte, NC 28272-1083

Colquitt Regional Medical Center
P. O. Box 3697
Moultrie, GA 31776-3697

Colquitt Teachers FCU
P. O. Box 2708
Moultrie, GA 31776-2708

Elizabeth A. Hardy
440 Martin Luther King Jr. Blvd.
Room 302
Macon, GA 31201-7987

Georgia Attorney General
40 Capital Square SW
Atlanta, GA 30334-9057

Lance Arnett
187 Chambers Road
Moultrie, GA 31768

OneMain Financial
639 Vets Pkwy. S., Ste. 150
Moultrie, GA 31788

U.S. Trustee - MAC
440 Martin Luther King Jr. Boulevard
Suite 302
Macon, GA 31201-7987

United States Attorney
Attn: Barbara Parker
Post Office Box 1702
Macon, GA 31202-1702

(p)VANDERBILT MORTGAGE AND FINANCE INC
P O BOX 9800
MARYVILLE TN 37802-9800

Vanderbilt Mortgage and Finance, Inc.
c/o Kenney & Medina, P.C.
3302 McGinnis Ferry Road, Ste. 100
Suwanee, GA 30024-7133

Yamaha / Synchrony Bank
Attn: Bankruptcy Dept.
P. O. Box 103106
Roswell, GA 30076-9106

Alana Wilson McCoy
1569 Gene McQueen Road
Moultrie, GA 31788-1352

F. Anthony Blakey
Kelley, Lovett, and Blakey, PC
2539 Lafayette Plaza Drive
P.O. Box 70879
Albany, GA 31708-0879

John Richmond McCoy
1569 Gene McQueen Road
Moultrie, GA 31788-1352

Kristin Hurst
Office of the Chapter 13 Trustee
P.O. Box 1907
Columbus, GA 31902-1907

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Capital One Bank
Attn: Bankruptcy Dept.
P. O. Box 5155
Norcross, GA 30091

Vanderbilt Mortgage & Finance, Inc.
Attn: Bankruptcy Dept.
500 Alcoa Trail
Maryville, TN 37804

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)JPMorgan Chase Bank, National Association

(u)Vanderbilt Mortgage and Finance, Inc.

(d)JPMorgan Chase Bank, National Association
c/o McCalla Raymer, LLC
Bankruptcy Department
1544 Old Alabama Road
Roswell, GA 30076-2102

(d)Vanderbilt Mortgage and Finance, Inc.
P.O. Box 9800
Maryville, TN 37802-9800

End of Label Matrix
Mailable recipients 37
Bypassed recipients 4
Total 41